

ORDINANCE NO. 2002 - 075

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO PLACE A TEMPORARY CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION ON OKEECHOBEE BOULEVARD FROM STATE ROAD 7 TO BENOIST FARMS ROAD); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of

Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 18, 2002 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Transportation Element, to place a temporary Constrained Roadway at a Lower Level of Service (CRALLS) designation on Okeechobee Boulevard from State Road 7 to Benoist Farms Road;

B. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

82 Part V. Effective Date

83 The effective date of this plan amendment shall be the date a  
84 final order is issued by the Department of Community Affairs or  
85 Administration Commission finding the amendment in compliance in  
86 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
87 applicable. No development orders, development permits, or land uses  
88 dependent on this amendment may be issued or commence before it has  
89 become effective. If a final order of noncompliance is issued by the  
90 Administration Commission, this amendment may nevertheless be made  
91 effective by adoption of a resolution affirming its effective status,  
92 a copy of which resolution shall be sent to the Florida Department of  
93 Community Affairs, Division of Community Planning, Plan Processing  
94 Team. An adopted amendment whose effective date is delayed by law  
95 shall be considered part of the adopted plan until determined to be  
96 not in compliance by final order of the Administration Commission.  
97 Then, it shall no longer be part of the adopted plan unless the local  
98 government adopts a resolution affirming its effectiveness in the  
99 manner provided by law.

100 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
101 Palm Beach County, on the 18 day of December, 2002.

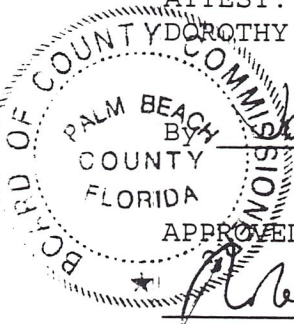
102 ATTEST:

103 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119



By Debbie Davis Deputy Clerk

By Addie Greene  
FOR Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]  
COUNTY ATTORNEY

Filed with the Department of State on the 24 day of  
December, 2002

T:\Planning\AMEND\02-2\admin\bccadopt\Ordinances\Okeechobee CRALLS.rtf

## EXHIBIT 1

**A. Transportation Element, Okeechobee Boulevard Constrained Roadway at Lower Level of Service (CRALLS)**

**REVISIONS:** To add language in Policy 1.2-f designating a segment of Okeechobee Boulevard as a CRALLS facility. The added text is shown in underlined.

**REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

26) The following segments of Okeechobee Boulevard are hereby designated as a temporary Constrained Roadway at a Lower Level of Service (CRALLS) facility:

- a) Okeechobee Boulevard from SR 7 to Sansburys Way  
Daily level of service standard: 53,968 vehicles per day  
Peak hour standard: 4,584 vehicles per hour
- b) Okeechobee Boulevard from Sansburys Way to Benoist Farms Road  
Daily level of service standard: 56,151 vehicles per day  
Peak hour standard: 4,923 vehicles per hour

This CRALLS is exclusively for the purposes of concurrency of the Parkwood Estates PUD project, and would expire December 31, 2003, or when construction begins on the 8-lane widening of Okeechobee Boulevard, whichever comes first.

CRALLS mitigation measure to be implemented in conjunction with this CRALLS is allowing development to 81 dwelling units instead of 93 (maximum allowable under its land use designation).

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on December 18, 2002.  
DATED at West Palm Beach, FL on 1/23/03.  
DOROTHY H. WILKEN, Clerk  
By: Diane Brown D.C.